

## REMARKS

This is intended as a full and complete response to the Office Action dated March 14, 2006, having a shortened statutory period for response set to expire on June 14, 2006. Please reconsider the claims pending in the application for reasons discussed below.

### ***Claim Rejections Under 35 U.S.C. § 102***

Claims 13 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Walters (6,033,515, hereinafter *Walters*).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Walters* does not disclose "each and every element as set forth in the claim." For example, *Walters* does not disclose aligning respective cores at distal ends of the two optical waveguide sections to be spliced, as recited in independent claim 13 or claim 1, from which claim 10 depends. In fact, *Walters* does not teach splicing two optical waveguides together at all. In contrast, as the Examiner points out, *Walters* teaches splicing a fiber to "a lens, filter, grating, prism, WDM device, or other such optical component..." none of which is an optical waveguide having a core surrounded by a cladding, as recited in the claims.

Thus, claims 10 and 13 are believed to be allowable and withdrawal of this rejection is respectfully requested.

Claims 13 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chapman, et al (2003/0223712, hereinafter *Chapman*). Applicants submit that

*Chapman* does not disclose “each and every element as set forth in the claim”. For example, as the Examiner concedes with reference to claim1, *Chapman* does not disclose splicing an optical waveguide section having a diameter greater than 400 um, as recited in independent claim 13.

Thus, claims 13 and 16 are believed to be allowable and withdrawal of this rejection is respectfully requested.

### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 1-3, 6, 7, 9, 12-18 and 22-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chapman* in view of *Walters*.

Claims 1, 4, 5, 13, 20, 21, 27, 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chapman* in view of *Walters* in further view of Eskildsen, et al (2003/0108307, hereinafter *Eskildsen*).

Claims 1, 8, 10, 11, 13, 19, 21, 26, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chapman, et al (2003/0223712) in view of Walters (6,033,515) in further view of Huang, et al. (2005/0117856).

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143.

The present rejection fails to establish at least the third criterion. For example, the references, even if combined as suggested by the Examiner, fail to teach methods or apparatus for splicing optical waveguides (each having a core and cladding and at

least one having a diameter greater than 400um), as recited in independent claims 1, 13, and 21.

Thus, Applicants submit these claims, as well as their dependents are allowable and withdrawal of this rejection is respectfully requested.

**Conclusion**

The references cited by the Examiner, alone or in combination, do not teach, show or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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